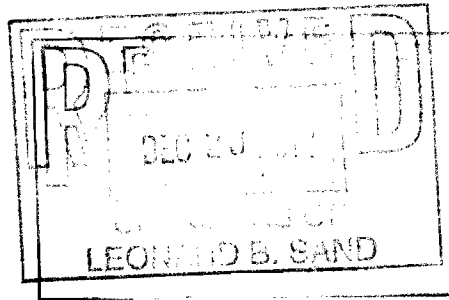


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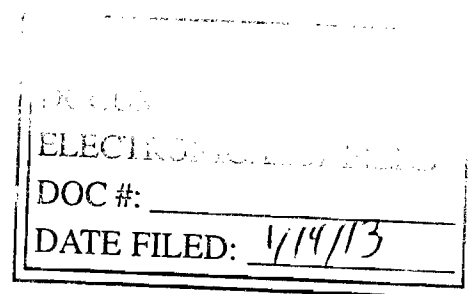
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December 21, 2012

VIA HAND DELIVERY

Honorable Leonard B. Sand
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Re: *Whitehorn, et al. v. Wolfgang's Steakhouse, Inc., et al.*
Case No. 09-CV-1148 (LBS)

JOINT LETTER TO THE COURT

Dear Judge Sand:

Pursuant to the Court's October 22, 2012 order, the Parties jointly submit this letter to update the Court regarding the status of their settlement discussions.

On December 20, 2012, the Parties engaged in a full-day mediation with a private mediator who is highly-experienced in these types of wage/hour class actions. We are pleased to report that we reached a settlement in principle. Over the next two months, the Parties intend to draft and negotiate the terms of a class settlement and subsequently, seek preliminary approval of the settlement and proposed class notice. Accordingly, we respectfully request that the Court set a deadline of February 18, 2012 for the Parties to submit a status letter regarding the finalization of the settlement paperwork and proposed deadlines seeking Court approval of the settlement.

Respectfully submitted,



Michael D. Palmer

Matthew Kadushin

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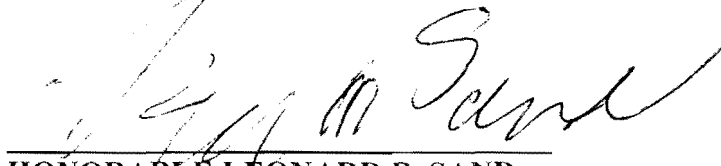
GOLDBERG & COHN, LLP

Attorneys for Defendants

cc: Benjamin Oxenburg (via email)

Elliott Martin (via email)

SO ORDERED:



1/10/13

HONORABLE LEONARD B. SAND
UNITED STATES DISTRICT JUDGE